

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Todd Curtis Myers,

Civil No. 10cv3436 RHK/JJK

Petitioner,

v.

ORDER

Warden: Eddie Miles,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated August 20, 2010. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is **DENIED**;
2. This action is **DISMISSED WITH PREJUDICE**; and
3. Petitioner will **NOT** be granted a Certificate of Appealability.

Dated: September 23, 2010

s/ Richard H. Kyle
RICHARD H. KYLE
United States District Judge